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10/601,936	06/23/2003	Billy Joe Ratliff, JR.	DN2003097	7817

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THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
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EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,936

Applicant(s)

RATLIFF, BILLY, JOE

Examiner

Steven D. Maki

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 1733

1) The amendment filed 6-6-05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The amendment to paragraph 37.

In paragraph 37 of the original disclosure, no serial number was given for the copending application. As is apparent from the amendment to paragraph 37 filed 6-6-05, the attorney docket number as originally filed was incomplete. Amending paragraph 37 to recite "Serial No. 10/601,986, filed June 23, 2003" and "DN2003-096" is not reasonably conveyed by the original disclosure and is new matter since paragraph 37 failed to specify either the application number of the copending application or the correct attorney docket number. Paragraph 37 also failed to identify when the copending application was filed. Paragraph 37 also failed to state if this application and the copending application have common inventor(s). It is suggested to amend paragraph 37 to recite --The disclosed rib configuration may also be used in connected with lateral grooves.--

Applicant is required to cancel the new matter in the reply to this Office Action.

2) Claim 3 is objected to because of the following informalities:

In claim 3, "wherein each chamfer and decreases" should be -wherein each chamfer decreases--.

Appropriate correction is required.

Art Unit: 1733

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Japan 919

5) **Claims 1, 3-4, 6-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 919 (JP 2002-103919).**

Japan 919 is discussed in more detail below. The claimed tire is anticipated by Japan 919's tire having the figure 2 tread pattern. In figure 2, the rib chamfers read on the false land parts 26.

6) **Claims 1, 3-8, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 (EP 1075971) and Himuro 892 (US 2002/0062892).**

Japan 919, directed to satisfying driving / braking performance on ice / snow and drainage performance at good balance, discloses a pneumatic tire having a tread comprising at least one circumferential rib having v-shaped sipes spaced at a spacing / pitch for example of 5.8 mm. Japan 919 teaches promoting drainage of water using

Art Unit: 1733

"false land parts" 26 (chamfers) attached to the walls 27a, 27b of the rib wherein the height of the "false land parts" decreases from the rib wall toward the groove bottom.

Japan 919 is considered to anticipate claim 1. In any event: As to claims 1 and 3-5, it would have been obvious to one of ordinary skill in the art to provide Japan 513's rib with "rib chamfers" as claimed in view of (1) Japan 919's teaching to provide the rib with "false land parts" for improving water drainage and (2) at least one of (a) Europe '971's teaching to provide a rib 8 with pseudo land parts 11 ("rib chamfers") to improve water drainage and (b) Himuro '892's teaching to provide a rib as shown in figure 3 with pseudo land parts 14a ("rib chamfers") to improve water drainage. As to claim 5, Europe 971 teaches increasing height (figures 2a-2c) and decreasing height (figures 5a-5c).

As to claim 6, the false land parts are offset.

As to claim 7, the sipes in Japan 919's rib are v-shaped.

As to claim 8, Japan 919's rib is on the EP.

As to claim 13, the claimed angle of 45-90 degrees would have been obvious in view of the inclination of the short side of the "rib chamfer" suggested by Europe 971 / Himuro 892.

As to claim 15, the claimed opposing inclined circumferentially extending edges would have been obvious in view of the oppositely inclined long sides of the "rib chamfers" suggested by Himuro 892.

Art Unit: 1733

**7) Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Nakagawa (US 2003/0019555) or Japan 225 (JP 2002-29225).**

As to claims 9-12, it would have been obvious to one of ordinary skill in the art to use two or three of Japan 919's ribs as claimed in view of (1) Japan 919's teaching to use at least one rib having v-shaped sipes and offset elongated false land parts for drainage and (2) (a) Nakagawa's suggestion to use two ribs having v-shaped sipes for a tire or (b) Japan 225's suggestion to use two or three ribs having v-shaped sipes.

**8) Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Hopkins et al (US 4926919).**

As to claim 14, it would have been obvious to one of ordinary skill in the art to form Japan 919's rib such that the circumferentially extending sides are inclined in the same direction as claimed in view of the shape of the sides of the siped ribs suggested by Hopkins et al.

**9) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Japan 604 (JP 1-215604) and optionally Japan 222 (JP 2002-029222).**

As to claim 16, it would have been obvious to one of ordinary skill in the art to extend the sipes into the chamfers in view of (1) Japan 604's suggestion to extend sipes into the wall of a circumferential rib and on a lower stage area to prevent decrease in

Art Unit: 1733

driving and braking performance when the tire is worn and optionally (2) Japan 222's suggestion to restrain lowering of performance in running on ice and snow road surface by forming sipes in a chamfered surface.

Japan 513

**10) Claims 1, 3-4, 6-8, 10-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 (JP 2002-240513) in view of Japan 919.**

Japan 513, directed to improving wet performance, discloses a pneumatic tire having a tread and shoulders; the shoulders being outside the footprint, which is shown in figure 1 as having length  $L_0$ . The tread comprises circumferential grooves and at least one circumferential rib having recessed parts 28 ("chamfers") for draining water into the circumferential groove. Japan 513 does not recite providing sipes in the rib.

As to claim 1, it would have been obvious to one of ordinary skill in the art to provide sipes in Japan 513's at least one circumferential rib with a density of two to eight sipes per inch (0.78 - 3.15 sips / cm) since Japan 919, also directed to improving drainage of a tire tread, suggests forming sipes at a pitch (spacing) of for example 5.8 m, in at least one circumferential rib so that the tread has excellent braking effect on ice / snow in addition to having good drainage.

As to claims 3 and 4, Japan 513's chamfer decreases in height and width.

As to claim 6, the recessed parts are offset.

As to claim 7, the sipes suggested by Japan 919 are v-shaped.

As to claim 8, rib 18 in figure 1 is on the CL (EP).

As to claim 10, Japan 513 suggests using chamfers on the edges of at least one circumferential rib wherein two ribs may be used.

As to claim 11, it would have been obvious to align lateral edges as claimed since (1) Japan 513 suggests using chamfers on the edges of at least one circumferential rib wherein two ribs may be used, (2) Japan 513 teaches that different orientations of the lateral edges may be used (see for example figure 5B and figure 5F) and optionally (3) it is taken as well known / conventional per se to provide a tire tread with circumferential ribs (albeit not having chamfers) with laterally extending edges such that the laterally extending of one rib are aligned with laterally extending edges of an adjacent rib.

As to claim 12, it would have been obvious to overlap chamfers as claimed since (1) Japan 513 suggests using chamfers on the edges of a least one circumferential rib wherein two ribs may be used and (2) Japan 513 teaches that the length L1 of the recessed part (chamfer) is 10-50% of the length Lo of the footprint.

As to claim 13, Japan 513 teaches inclining the laterally extending edge of the recessed part (chamfer) with respect to the CL (EP) at various angles (see figures 2, 5, 9, and 10).

As to claim 16, the limitation of the sipes extending into the chamfers would have been obvious in view of Japan 919's teaching to use sipes in the rib such that the sipes open to the side surfaces of the rib.

Art Unit: 1733

**11) Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Europe 971.**

As to claim 5, it would have been obvious to one of ordinary skill in the art to provide the Japan 513's chamfers, which are for water drainage, with the claimed edges in view of Europe 971's teaching that the edges of a psuedo-land portion ("chamfer") for water drainage, may have edges with increasing height (figures 2a-2c) or decreasing height (figures 5a-5c).

**12) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Nakagawa or Japan 225.**

As to claim 9, it would have been obvious to one of ordinary skill in the art to use three of Japan 513's ribs having the recessed parts (chamfers) and v-shaped sipes in view of (1) Japan 513's teaching to use at least one rib having recessed parts (chamfers), (2) Japan 919's teaching to use at least one rib having v-shaped sipes and (3) (a) Nakagawa's suggestion to use two ribs having v-shaped sipes for a tire or (b) Japan 225's suggestion to use two or three ribs having v-shaped sipes.

**13) Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Hopkins et al.**

As to claim 14, it would have been obvious to one of ordinary skill in the art to form Japan 919's rib such that the circumferentially extending sides are inclined in the

Art Unit: 1733

same direction as claimed in view of the shape of the sides of the siped ribs suggested by Hopkins et al.

**14) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Himuro 892.**

As to claim 15, it would have been obvious to one of ordinary skill in the art to form Japan 919's rib such that the circumferentially extending sides are inclined in the opposite direction as claimed in view of the shape of the sides of the rib suggested by Himuro 892.

**15) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Japan 604 and optionally Japan 222.**

As to claim 16, it would have been obvious to one of ordinary skill in the art to extend the sipes into the recessed parts (chamfers / lower stage areas) in view of (1) Japan 604's suggestion to extend sipes into the wall of a circumferential rib to prevent decrease in driving and braking performance when the tire is worn and optionally (2) Japan 222's suggestion to restrain lowering of performance in running on ice and snow road surface by forming sipes in a chamfered surface.

Remarks

**16) Applicant's arguments with respect to claims 1 and 3-16 have been considered but are moot in view of the new ground(s) of rejection.**

Art Unit: 1733

Applicant's arguments filed 6-6-05 have been fully considered but they are not persuasive.

Applicant's argument that the rib in Japan 919 and Europe 971 is straight sided and has no lateral edge is not persuasive since the false land part / pseudo land portion, which has a laterally extending edge, is part of the rib.

The terminal disclaimer filed 6-6-05 is proper and has been recorded.

Accordingly, the obvious type double patenting rejections over applications 10/601986 and 10/601504 have been withdrawn.


17) No claim is allowed.

18) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
August 15, 2005

  
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8-15-05